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The Advocate Of Peace.

VOL. LVII.

BOSTON, AUGUST, 1895.

No. 8.

THE AMERICAN PEACE SOCIETY,

PUBLISHERS,

NO. 3 SOMERSET STREET, BOSTON, MASS.

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THE ARMED PEACE.

BY IDA WHIPPLE BENHAM.

I.

The jaws of death are holden for awhile ;
The cannon sulks and frowns, his throat is dumb ;
The sword hides in the sheath ; the bullet's hum
Is spent and silenced. See! the harvests smile,
And all the troops of summer flowers defile
Down war's old fields, where oft the eager drum
Sent the swift challenge wide, " We come! we
come!"
Timing the march for many a weary mile.

Concord to-day—peace reigns o'er all the land;
Yet how and wherefore ? By an accident
Of easy and fortuitous circumstance ?
Doth lazy war but rest his mailed hand ?
Is the sword's fury stayed an hour, not spent ?
Is peace the happy fortune of a chance ?

II.

Biding their time the polished bayonets,
In idle ranks, with haughty menace glow,
Serried and close as cornfields, row on row
Waiting for harvest. Not a sword forgets,
Nor bomb, nor swift torpedo ; slyly whets
The rapier in his sheath—well doth he know
The coals of war come quickly to a glow ;
And still the cannon crowd the parapets.

Ready and waiting—keen for sharp dispute!
Blind man, thou temptest sore the lightning's stroke,
Thou dost invite the vulture's wanton brood.
Though for a day their hungry throats be mute,
To-morrow thou mayst hear the direful croak—
The heart the lightning's aim, the vulture's food.

Mystic, Conn.

A PERMANENT TRIBUNAL OF ARBITRATION.

BY EDWARD EVERETT HALE, D. D.

Address given at the Mohonk Arbitration Conference, June 6, 1895.

Mr. President, Ladies and Gentlemen—The words which the president has just used are a good abridgment of my speech,—a Permanent Tribunal. The illustration which Mr. Abbott used this morning is perfect ; it cannot be pressed too far,—the illustration of the United States of America. The United States of America is the oldest, as it is the largest and most successful, peace society which the world has ever known. All these different societies of which Mr. Trueblood spoke this morning, however successful they have been, are utterly inferior to the remarkable association known as "United States of America." Beginning with thirteen independent States, proud of their independency, having very strong grounds for alienation from each other, and including afterward the acquisitions from Louisiana and from the Spanish territory,—acquisitions which mix the Latin race with the Teutonic race, and bring in the Catholic religion to mix with the Protestant religion ;—in the face of all the difficulties which such a condition of things presents, you have the extraordinary spectacle of one hundred and six years of peace, broken only by the calamity of the Civil War. That calamity may be considered separately,

and if properly considered it is itself an argument, and a very strong argument, in the line which we are pursuing. Leaving that out, speaking of the hundred and one years of perfect peace which have been preserved, beginning with thirteen different States and coming down to forty-four, you have the most remarkable history of peace in the world since the reign of the Antonines. And the great principles which are laid down by such writers as William Penn, and by Henry IV. a hundred years earlier, whose "Great Design" for the same purpose is almost word for word the design of William Penn,—these principles may be illustrated to the letter by anybody who chooses to study the history of the United States of America.

It is perfectly true, as was said this morning, that this is done so peacefully that nothing gets into the histories. That is the general rule for a history, to leave out what is important, and to put in what is unimportant, if it only be noisy. It would be a matter of surprise in most schools, and perhaps in most colleges, if you should say to them that in one hundred and five years there have been thirty or forty conflicts between States in the American Union which, under any other circumstances, would have been adjusted by shock of arms. We had between Massachusetts and Rhode Island, in the year 1841 I think, a boundary contest, of a difficulty quite equal to the boundary contest of which the newspapers are full now, between the Central American States. Here were two independent States, with an absolute difference. The question was submitted to the Supreme Court of the United States, it was settled by the Supreme Court of the United States, and I do not believe that at the present moment there are fifty men or women in the State of Massachusetts or in the State of Rhode Island who know what the question was, or would be prepared to give any intelligent account of a matter which, under any other system, would have brought the troops of those two States into collision. That is one illustration out of a great many. There was a similar question between the State of Missouri and the State of Iowa as to their boundary, — a question which perhaps made rather more mark upon national politics. There have been countless questions with respect to the jurisdiction of States, but the Supreme Court does its work so quietly that it does not get into print. It is every now and then announced by European writers with the most extraordinary fanfarronade, that there is such a court; it takes them entirely by surprise. Our English friends, when they travel here, call the President of the United States the "ruler" of the United States. He is not; the People of the United States is the ruler of the United States. But we have had lately a very striking instance of the way in which the Supreme Court is virtually at the head of the government of America.

Now why was not Henry IV. right when he said there

might be the United States of Europe? Why might there not be a Permanent Tribunal, which could be called into session at any moment, and which could have the questions referred to it which are now referred to war? I was glad that little conversation took place just now with regard to the word arbitration. I think all of us who have come here have come supposing that the word was interpreted in the larger sense in which it comes into literature. There is a good New England phrase, "Leave it out to men." When a couple of farmers have got into a discussion about whose ox gored whose cow, and they feel afraid of the lawyers and do not want to go to the county town, they say, "I guess we'll leave it out to men." So one names Mr. Jones and the other names Mr. Black, and they two name Mr. White, and then the three hear the whole story and they settle it. We have a home habit of calling that "arbitration," and that is the scheme which has brought about seventy-seven arbitrations since the year 1815, and a very good scheme it is, if you must create a court for the immediate occasion. But the world on the whole, in affairs of business, has got beyond the method of making a court for every separate occasion. It has found out, for many reasons, that it is better, instead of having Mr. Black and Mr. White and Mr. Jones engaged for that particular occasion, to have some people used to deciding cases, — to have a court which by the correctness and purity of its decisions, year in and out, gains the confidence of all the people engaged, — to have a court preordained, if one may say so, made long beforehand, without the possibility of the judges being selected with reference to the particular matter which they are to decide.

And so I want to urge, first, second, last, and always, a Permanent Tribunal. That is the thing which, if I may use the expression of the streets, must be "rubbed in" to the public mind. You really do not advance very much on the present condition of affairs until you can get the governments of the world to see that it is a great deal better to appoint one Permanent Tribunal—I shall say those words a hundred times before I have sat down, for I wish that the people may dream of it at night and think of it in the morning,—one Permanent Tribunal to sit for a hundred years, than to have to make a new tribunal for each particular case. It is exactly as my young friend who went out on a bicycle ride this morning was glad he had the same bicycle he rode on yesterday, instead of being obliged to go and make a bicycle for himself. He was glad to have a Permanent bicycle, made by people who understood how to make them, and to use the same bicycle all through his travel.

This was considered in Henry IV.'s time, as somewhat visionary,—though he came very near carrying the plan out. In the time of William Penn, a hundred years afterwards, it was still considered a dream, an ideal. But a hundred years after William Penn, comes along the United

States of America, tries the great experiment, and it succeeds; and seventy millions of people, in forty-four States, are now living under the success of that experiment. Nobody dares any longer say that it is dreamy or poetical or vague or visionary, because it has succeeded better than the "dread arbitrament of war," better than the experiments of diplomacy. It has turned out that a Permanent Tribunal in the United States has wrought the success which no other experiment that has been tried has wrought. So we are, if I may again use the language of the ungodly, "on the inside track," and the burden of proof in this argument is with those people who want to make a separate court every time there is a quarrel.

I should like to go into the realm of imagination a little as to the future in this matter. You would appoint your court, and your court would *exist*. You would not say, "This court is appointed for the purpose of determining about the seals," or "about the indemnity which Nicaragua owes to Great Britain;" you would say, "This court is appointed to *exist* as a Permanent Tribunal." I should say that a good plan, to begin with, would be for the six great powers to name each a jurist of the highest rank in jurisprudence, precisely as the President now appoints a jurist to the Supreme Bench of the United States. It should be the highest honor to be given in the service of each of those powers. This gentleman should be named to sit as long as his health permitted, or to retire, if he pleased, at a fixed age, with an honorable pension. The honorarium to be paid to him should be of the very highest; the dignities of his position should be of the very noblest. This court of six persons, appointed by the six great powers, might then name six "assessors" with themselves, from the smaller powers of the world, so that you might have a court of twelve persons, not too large for consultation, and at the same time the susceptibilities of every one of the powers might be met by more frequent changes among the assessors, as I call them, than among the original six. I would have the vacancies in the six filled by the powers who originally filled them.

This court would *meet*. It would be a great thing to have it meet; after the world had been in existence six thousand years, or six hundred thousand, as you take it, to know that six men of conscience, religion, and integrity were sitting somewhere for the purpose of finding out the living truth on the practical questions which came before the world. This court would sit, first in London, then in Paris, then perhaps in Rio Janeiro or Washington, then in Berlin. I do not say the whole twelve would meet, but a sufficient quorum would meet. I know very well that at first the States would be very slow about bringing their questions to the diplomatists. But there would come along some question,—say as to whether the whole race of seals should be annihilated,—a question that nobody understood; and they would say, "Here is this or namental court, let us leave it to them." The

court would decide it, it would decide wisely, and the public opinion of the world would confirm the opinion of that court.

There would be no talk of resistance. This is precisely the point where the theorists find fault with any such statement. William Penn, as our friend said, was obliged to imagine an army behind. Has the presence of the United States army been needed to enforce the decision of the income tax? Was a file of soldiers necessary anywhere to compel agreement in the decision that I speak of, between the State of Massachusetts and the State of Rhode Island,—did it require even a sergeant or a corporal? Not at all. It is just as when Colonel Scott aimed at the coon; the coon said, "Don't waste your powder, Colonel, I'll come down." The coons of this world know when a decision has been made. There has not been necessary, in the whole course of the jurisdiction of the United States, between State and State, the burning of an ounce of powder to enforce a decision which the Supreme Court made, so certain was it that public opinion would confirm its decisions.

Now compare this with the decision made, even by as respectable a board of arbitration as that which met at Paris, which proved not to understand the subject at all, and which has decided it in such a manner that the seals are all being killed, and there will not be any left for another arbitrament. Under such circumstances you name people who are not used to sitting together as a court, you have a court which is very doubtful how it is to get its witnesses together, a court creating the law which they are to administer. In place of that, by a Permanent Tribunal, you are gradually forming a body of International Law. These gentlemen are engaged in studying International Law all the time. For the first time since the days of the Antonines, or perhaps since Adam and Eve, there is somebody to say what International Law is, instead of its being left for professors of colleges to write about. There will gradually grow up a body of law from the decisions of this Permanent Tribunal, and to the decisions of that court everybody will be disposed more and more to submit. There was growling about submission to the Alabama decision, there was growling about the murder of the seals; but there has been an eager assent to every decision made by our Supreme Court.

I will not go into further detail with regard to a proposal which I have confessed to be imaginary. I do think, however, after a discussion which has lasted nearly a hundred years, it is quite necessary that this country, if it means to make any proposal at all to the other nations of the world, should come forward with a practical and definite proposal. It is not enough to sing:

"No war nor battle sound
Was heard the world around."

This thing is not to be settled by singing. It is going to

be settled by a hard-and-fast system, laid down in consequence of historical precedents, and in such a way that it may command the attention and respect of the practical people in the world. And with that remark, and a single illustration, I will not try to hold your attention any longer.

It is to be observed that the passion for war is not a passion of the men who create the wealth of the world, or who are the really important people in the work of the world. Merchants never want to make war, the men who pass from country to country never want to make war, scholars never want to make war, inventors never want to make war. War checks the real progress of the world in invention, manufacture, trade; and all these demands for war which Mr. Abbott alluded to this morning are superficial. The real workers and thinkers are always opposed to war. It is the loafers, the people who wait for something to turn up, those who think they shall like to enlist in the armies,—the people who are supposed to make public opinion, but who really follow public opinion,—who make wars popular at the beginning. And it is the steady dislike of people to being killed and to having their brothers killed, to spending money in taxes, to having their ships taken at sea, which always makes war unpopular when war comes to an end. We may be quite sure that if we can propose a practical system which will commend itself to practical men we shall go into any discussion of the subject with a good working force behind us.

THE TREATY OF ARBITRATION BETWEEN GREAT BRITAIN AND THE UNITED STATES.

BY HON. ROBERT TREAT PAINE.

An address given at the Conference on International Arbitration at Lake Mohonk, N. Y., June 6, 1895.

The movement we are interested in needs only to be fully appreciated by ourselves to succeed. The hardest fighter that we ever had on this continent, when he said, "Let us have peace," struck a chord that has not ceased to vibrate.

This matter of the treaty of arbitration between Great Britain and the United States does not differ very widely from the subject that we considered last evening. A treaty is the first step, and an international court of arbitration that shall include all nations of the world is the last step; we have not necessarily to take the last step first. Why may we not have a high court of arbitration that shall be sanctioned by a treaty between two nations, or three, or several, and at last include all? A treaty between two nations is perhaps the simplest step; and the most important treaty, if we may say so, that can be enacted is that between the two great English-speaking nations, the United States and Great Britain. Is that hopeless? I think a brief statement of facts will show us that we are

on the very eve of accomplishing this superb achievement.

This cause has proceeded by triennial steps. I have here a brief history, prepared by the secretary of the American Peace Society, Dr. Trueblood, who has put such splendid work into this cause for the last three years. It is a history of the movement for an arbitration treaty between Great Britain and the United States. I think we may say that it began in 1887, when a deputation of thirteen Englishmen brought over a memorial, signed by two hundred and thirty-three members of the British House of Commons, presented it to the President, and were received by him most cordially. Let me read a few words. The memorial asked for "a treaty which shall stipulate that any differences or disputes arising between the two governments, which cannot be adjusted by diplomatic agency, shall be referred to arbitration. Should such a proposal happily emanate from the Congress of the United States, our best influence shall be used to ensure its acceptance by the government of Great Britain." President Cleveland made a kind response, promising to give the matter his "faithful and careful consideration."

The next important step forward was taken on the 3d of April, 1890, when the Sherman Concurrent Resolution was passed unanimously by our House of Representatives; a brief but important resolve:

"Resolved by the Senate (the House of Representatives concurring), that the President be, and is hereby requested, to invite from time to time as fit occasion may arise, negotiations with any government with which the United States may have diplomatic relations, to the end that any differences or disputes arising between the governments, which cannot be adjusted by diplomatic agency, may be referred to arbitration."

Now you will remember that just at that time the Pan-American Congress had been meeting at Washington, summoned by our government from all the republics of this continent. Let me read a few words spoken when that congress was called together, in the welcome extended to them by Mr. Blaine. This was on the 3d of October, 1889. These are official words, spoken by our Secretary of State, welcoming officially the delegates from the countries of this continent:

"The delegates whom I am addressing can do much to establish permanent relations of confidence, respect and friendship between the nations which they represent. They can show to the world an honorable and peaceful conference of seventeen independent American powers, in which all shall meet together on terms of absolute equality;—a conference in which there can be no attempt to coerce a single delegate against his own conception of the interests of his nation; a conference which will permit no secret understanding on any subject, but will frankly publish to the world all its conclusions; a conference which will tolerate no spirit of conquest, but will aim to cultivate an American sympathy, as broad as both continents; a conference which will form no selfish alliance against the older nations from which we are proud to claim inheritance; a conference, in fine, which will seek nothing, propose